IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4415 of 2005

Between:

1 Smt. Yata Anjamma, W/o. Sri Y. Satyanarayana,
R/o. H.No. 8-6-946, Hasthinapuram East, Vanasthalipuram
L.B. Nagar, Ranga Redy District.
2 G. Kanya Kumari, W/o. G. Krishna,
R/o. H.No. 2-137, Champapet Village, L.B. Nagar
Municipality, Ranga Redy District.

..... PETITIONERS

AND

1 The State of A.P., rep by its Spl, Chief Secretary to the
Revenue Department, Secretariat, Hyderabad.
2 The District Collector, R.R. District, Khairatabad, Hyderabad.
3 The District Registrar of Stamps & Registration, Ranga Reddy
District.
4 The Sub-Registrar, Champapet, Ranga Reddy Duistrict.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Mandamus, declaring the order of Refusal of Registration Nos. 376 & 481 of 2003 dated 18-7-2003 & 2-8-2003, respectively, issued by 4th Respondent herein, and quash the impugned Orders No. 376 & 481 of 2003 dated 18-7-2003 & 02-8-2003, respectively declaring the same as unjust, illegal, arbitrary, discriminatory and violative of Articles 14 and the provisions of the Registration Act and the rules made there under, and, consequently, direct the 4th Respondent herein to effect registration of the Sale Deed executed by the vendor
Smt. Shobha Rani, W/o. Late Mahendar Reddy, on 6th May, 2003, in favour of the 1st petitioner, in respect of Plot No. 56 in survey No. 57 admeasuring 126 Sq. yards in Ward No. 8, Block No. 6, Christian Colony, situated at Karmaghat Village, and also register the Sale Deed executed by the vendors M/s. G. Narayan Reddy, G.

Jaideep Reddy and K. Subhash Reddy, all represented by their GPA Holder, M. Kankal Reddy, S/o. Mohan Reddy, on 19th June, 2003, in favour of the 2nd petitioner in respect of Plot No. 4 Western Part, admeasuring 127 Sq. Yards in Survey No.57, Ward No. 8, Block No. 6, Christian Colony, situated at Karmghat Village, Saroornagar Mandal, Ranga Reddy District, within the jurisdiction of the 4th respondent herein and pass such other order or further orders as this Hon'ble Court may deem fit and proper, in the circumstances of the case.

Counsel for the Petitioner:MR.S.A.CHARI

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORDER:

The petitioners state that they have purchased plots bearing No.56 admeasuring 126 square yards and plot No.4 western part, admeasuring 127 square yards, respectively, in S.No.57, Ward No.8, Block No.6, Christian colony, situated at Karmanghat village, Saroornagar Mandal, Ranga Reddy District and the sale deeds dated 06.05.2003 and 19.06.2003 executed by their vendors, respectively, were presented before the fourth respondent for registration. However, under the impugned orders, dated 18.07.2003 and 02.08.2003, the registration was refused on the ground that the Joint Collector, Ranga Reddy District vide Memo dated 15-09-2000 instructed not to entertain any registration in respect of the lands in Sy.Nos.57 to 60 of Karmanghat village, Saroornagar Mandal, Ranga Reddy District, stating that the said lands were declared as surplus lands. Subsequently, as per G.O.Ms.No.751 Revenue (Regn.I) Department, dated 12.12.2001, which was issued in exercise of powers conferred under Section 22-A of the Indian Registration Act, 1908 (for short "the Act"), as amended by the Registration (A.P. Amendment) Act, 1999, the registration of documents of immovable properties in the said Survey Numbers 57 to 60 was declared as opposed to public policy. However, fresh orders have been passed vide G.O.Ms.No.807, Revenue, (Registration 1) Department, dated 13.10.2004, in exercise of powers conferred under Section 22-A denotifying the notification issued under G.O.Ms.No.751 dated 12.12.2001 in respect of the lands in Sy.Nos.57 to 60 of Karmanghat village.

In the light of the said G.O.Ms.No.807 dated 13.10.2004, learned counsel for the petitioners submits that there cannot be any further objection for registering the document presented by the petitioners for registration.

It is also brought to my notice that an identical issue has been considered by this Court in W.P.No.3430 of 2005 and on the basis of G.O.Ms.No.807, dated 13-10-2004, this Court disposed of the writ petition with a direction to the respondents to release the document presented by the petitioner therein after due registration.

Learned Government Pleader for Revenue does not dispute the fact that under G.O.Ms.No.807 dated 13.10.2004, the earlier notification issued in G.O.Ms.No.751 dated 12.12.2001 was denotified.

In the circumstances, the impugned orders dated 18.07.2003 and 02.08.2003 are set aside and the writ petition is disposed of with a direction to the respondents to release the documents presented by the petitioners after due registration without

reference to G.O.Ms.No.751, dated 12-12-2001. It is made clear that in case the registering authority finds any other objection, it is open to raise such objection, however the same shall be communicated to the petitioners within a period of four weeks from the date of receipt of this order. No costs.

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07.03.2005

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To

1 The Special Chief Secretary to the Revenue Department, State of A.P., , Secretariat, Hyderabad.
2 The District Collector, R.R. District, Khairatabad, Hyderabad.
3 The District Registrar of Stamps & Registration, Ranga Reddy District.
4 The Sub-Registrar, Champapet, Ranga Reddy Duistrict.

5 Two C.Cs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

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